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"PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

BRUNO BRET ET AL

U.S. Serial No. 09/666,612

Group Art Unit 1616

Filed: September 20, 2000

M. Williamson, Examiner

SOFTENING LOTION COMPOSITION,
USE THEREOF IN PAPER MAKING,
AND RESULTING PAPER PRODUCT

01/22/2003 BABRAHA1 00000097 09666612

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930.00 OP

Alexandria, Virginia
January 21, 2003

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

R E S P O N S E

Dear Sir:

This is in response to the official action mailed August 8, 2002. Applicants submit that the application is in condition for allowance as set forth below.

The sole rejection is of claims 22 and 23 under 35 U.S.C. §112, first paragraph, as containing subject matter not described in the specification in such a way as to reasonably convey to one skilled in the art at the time the application was filed that the inventors had possession of the claimed invention. More particularly, the Examiner states that the claim recitation of "wherein said product is free of lanolin" is deemed to be new matter since there is a lack of support in the application as filed for this limitation.

Applicants submit that the limitation is proper and support is present in the application as filed. As stated in MPEP §2173.05(i), the form of negative limitation is proper and a lack of literal basis in the specification for a negative limitation may not be sufficient to establish a prima facie case for lack of descriptive support.

In the specification as filed at page 1, first paragraph, the invention is stated to be directed to providing a paper product imparting a soft, slippery feel to the paper while being dry, i.e., without being greasy or oily. At pages 3 and 4 certain prior art is discussed, such as U.S. Patent No. 2,944,931 which includes lanolin in an amount of 1-90%. This prior art is stated to not provide results as desired. Further, at page 9, first paragraph, prior art emollients, specifically lanolin, are stated to have drawbacks linked to their odor or to the fact that they decrease sheet absorption. Accordingly, compositions containing lanolin are recognized in the application as being disadvantageous.

At pages 33-42, the application sets forth specific examples and tests of different lotion compositions of the invention and results of the tests. The compositions of the invention are free of lanolin and are shown to be useful for their intended purpose and as having the desired improved properties. Accordingly, the applicant did

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recognize compositions of the invention which were free of lanolin.

Therefore, applicants respectfully submit that the limitation "wherein said product is free of lanolin" is properly supported in the specification as filed and is not new matter. Withdrawal of the §112 rejection is thus requested.

Reconsideration and allowance of the application is respectfully urged.

Respectfully submitted,

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By



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